

LEGAL NOTICE  
OF PUBLIC HEARING  
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF AIR POLLUTION CONTROL

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of amendments to the Tennessee Air Pollution Control Regulations, and State Implementation Plan pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at this hearing will be presented to the Tennessee Air Pollution Control Board for their consideration in regards to the proposed regulatory amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 et. seq. and will take place in the 9th Floor Conference Room of the L & C Annex, located at 401 Church Street, Nashville, Tennessee 37243-1531 at 9:30 a.m. on the 20<sup>th</sup> day of November, 2006. Anyone desiring to make oral comments at this public hearing is requested to prepare a written copy of their comments to be submitted to the hearing officer at the public hearing.

Written comments not submitted at the public hearing will be included in the hearing record only if received by the close of business on Monday, November 20, 2006, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9<sup>th</sup> Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

Any individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to November 20, 2006 or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, 12<sup>th</sup> Floor, 401 Church Street, Nashville TN 37243, (615) 532-0207. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of changes to Rules 1200-3-4-.02 DEFINITIONS and 1200-3-4-.04 EXCEPTIONS TO PROHIBITION, you may contact Mr. Jeff Cales at (931) 432-7621. If you have any questions about the origination of changes to Rules 1200-3-9-.01 CONSTRUCTION PERMITS and 1200-3-9-.02 OPERATING PERMITS, you may contact Ms. Lacey Hardin or Mr. Malcolm Butler at (615) 532-0554. Copies of documents concerning this matter are available for review at the office of the Technical Secretary and at certain public depositories. For information about reviewing these documents, please contact Mr. Malcolm Butler, 9<sup>th</sup> Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531, telephone (615) 532-0600.

Summary of Proposed Changes

The proposed revisions to Rules 1200-3-4-.02 DEFINITIONS and 1200-3-4-.04 EXCEPTIONS TO PROHIBITION include updated definitions, and clarifications of existing exceptions necessary to effectively regulate open burning statewide. The proposal also deletes non-applicable references and a non-applicable definition. The proposal includes a waiver to the express prohibition on open burning of plastics and rubber, so as to accommodate incidental plastic or rubber containers of controlled substances and drugs seized as contraband. The proposal also includes a waiver to accommodate plastic or rubber materials that are explosives-contaminated, and similar wastes, that are unsafe for other means of disposal.

The proposed revisions to Rules 1200-3-9-.01 CONSTRUCTION PERMITS and 1200-3-9-.02 OPERATING PERMITS are amended by correcting typographical errors and removing the Clean Unit and Pollution Control Project provisions from the permitting requirements for major New Source Review. These provisions were vacated from the federal rules by the D.C. Circuit Court June 24, 2005.

Revisions considered at this hearing may be adopted by the Tennessee Air Pollution Control Board under T.C.A. 68-201-105, the Board general authority to promulgate rules.

Materials concerning the proposed additions and/or revisions will be available for public inspection during normal working hours starting on October 16, 2006, at the following locations:

Air Pollution Control Division 9th Floor, L & C Annex 401 Church Street Nashville, TN 37243	Chattanooga – Hamilton County Air Pollution Control Bureau 6125 Preservation Drive Chattanooga, TN 37416	Air Pollution Control Division Cookeville EFO 1221 South Willow Ave. Cookeville, TN 38506
Air Pollution Control Division Knoxville EFO 3711 Middlebrook Pk Knoxville, TN 37921	Air Pollution Control Division Johnson City EFO 2305 Silverdale Road Johnson City, TN 37601 - 2162	Air Pollution Control Division Jackson EFO 1625 Hollywood Drive Jackson, TN 38305
Air Pollution Control Division Columbia EFO 2484 Park Plus Drive Columbia, TN 38401	Knox County Department of Air Pollution Control 140 Dameron Avenue Knoxville, TN 37917-6413	Division Air Pollution Control Memphis - Shelby Co. Health Dept. 814 Jefferson Avenue Memphis, TN 38105
Air Pollution Control Division Chattanooga EFO Suite 550 540 McCallie Ave. Chattanooga, TN 37402 - 2013	Environmental Health Services Metropolitan Health Department 311 23rd Ave. North Nashville, TN 37203	U.S. EPA, Region IV APTMD - 12th Floor Atlanta Federal Center 61 Forsyth Street S.W. Atlanta, Georgia 30303 c/o Ms. Kay Prince, Chief
Air Pollution Control Division Nashville EFO 711 R. S. Gass Blvd. Nashville, TN 37243	Kingsport Public Library 400 Broad Street Kingsport, TN 37660	

All persons interested in the air quality of the State of Tennessee are urged to attend and will be afforded the opportunity to present testimony to the hearing officer regarding the proposed additions and/or revisions to the State Regulations and State Implementation Plan. Any person desiring to present lengthy comments should be prepared at the hearing to offer a written statement to be incorporated into the record. Written statements not presented at the hearings will only be considered part of the records if received by 4:30 p.m. November 20, 2006, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee, 37243-1531.